



4600 Sunset Avenue | Indianapolis, Indiana 46208 | www.butler.edu

March 11, 2021

██████████
Delivered via email to ██████████

Dear ████████:

The University has received a report alleging that you have engaged in behavior that could constitute a violation of the *Sexual Misconduct Policy* ("Policy"). Both the nature of the conduct alleged and the portion of the *Policy* implicated by these allegations are outlined below.

It is alleged that you (Respondent) have engaged in a course of conduct toward J. ██████ F. ██████ (Complainant) that includes the following: tracking her location via social media throughout the course of your friendship; watching from the window of your pod to see "when member's [sic] of [Complainant's] pod at fairview [sic] come and go"; coming into her pod on multiple occasions without asking first; entering the "general area" of Complainant's pod on multiple occasions while she and her roommates were not present in the pod, "searching" for them; and entering Complainant's individual room "without [Complainant's] permission while [she] wasn't there" and using her bathroom. It is alleged that the incidents involving your entry into Complainant's pod took place over the course of this academic year, and that the incident involving your entry into Complainant's individual room and use of her bathroom took place on or around February 26, 2021.

It is also alleged that at the beginning of this academic year, Complainant made it clear that her individual room was private, and that access to her room is "definitely something you have to ask for." Complainant said that she made a "big enough deal" about this that everyone is aware, and people would joke about needing "written permission" to enter Complainant's room. Further, Complainant alleged that you, in particular, were "very aware" that Complainant had experienced a break-in of her cabin, that things were stolen, and that it was a "huge fear" of Complainant's that other people may enter her space and hurt her. Additionally, it is alleged that Complainant and her roommates spoke with you about three weeks before the end of the Fall 2020 semester, establishing their boundaries. It is alleged that they were "very specific" with you about these boundaries, including things like the hours you could visit their room.

Complainant also provided information regarding the impact of this alleged course of conduct. She stated that your presence in the general area of her pod, including at times when she and her roommates were not present, caused her to feel "very uncomfortable." When she learned that you were present in the general area of her pod on the night you allegedly entered her individual space and used her bathroom, she became "extremely stressed out," because she was away from campus and had forgotten to lock the door to her individual room. Later, when a friend who was present in the pod that night told her that you had entered her individual space and used her bathroom, she was "very distraught." She said that when she confronted you about it via text, you said that the friend had given you permission to use her bathroom. Complainant said that this upset her, because she had spoken to the friend and knew this was not true, and because she felt it was a "terrible excuse," as the friend was not the resident of Complainant's room. After this, Complainant stated that she "had a really bad mental breakdown." Further, Complainant said that finding out things such as that you were tracking her via

social media felt like the TV show *You*, where someone pretends to be a friend in order to get information about the person they have befriended.

This alleged conduct could constitute violations of the following provisions of the *Policy*:

STALKING: Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for the person's safety or the safety of others or to experience substantial emotional distress.

1. "Course of conduct" means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property.
2. Substantial emotional distress means significant mental suffering or anguish.

It has been determined that this matter will be resolved through an Administrative Investigation and Adjudication Process. The attached *Policy* contains a full description of this process.

The University aims to treat all parties and participants in this process fairly, equitably, and with respect. While this matter is pending, you are presumed to be not responsible for violating the *Policy* as described above. This means that the University will not treat you as though you are responsible for violating this *Policy* prior to a finding of responsibility. Further, no party or participant will be viewed as credible or not credible simply based on their status as Complainant, Respondent, or witness.

Prior to the start of the investigation, you will need to meet with me to discuss this process, your rights under the *Policy*, and resources available to you. To schedule this meeting, please email me at mkanger@butler.edu and share dates and times that you are available to meet. Please note that my office's hours are 9am to 5pm, Monday through Friday. You will need to schedule this meeting by no later than **5pm on March 18, 2021**.

Under the *Policy*, you are welcome to have an advisor present with you during all phases of the Administrative Investigation and Adjudication Process, including the initial meeting with me. This advisor may be internal or external to the University and may be, but is not required to be, an attorney.

While this matter is pending, the following measure will be in effect:

UNIVERSITY ADMINISTRATIVE NO CONTACT ORDER: You are instructed not to have contact with Jaclyn Fulscher, either directly or indirectly. This includes in-person contact as well as contact through social media, emails, phone calls, voicemails, text messages, or third parties. Ms. Fulscher has been given the same instruction regarding contact with you. Either party may report alleged violations of this order to me.

Please note that the University prohibits retaliation. Retaliation is defined in the *Policy* as intimidation, threats, coercion, or discrimination: (1) toward any individual because that individual has made a good faith report of prohibited conduct, participated in the Administrative Investigation and Adjudication Process, or chosen not to participate in that process, or (2) for the purpose of interfering with any right or privilege secured by federal law or University policy. Engaging in behavior that constitutes retaliation could result in further disciplinary action. Individuals who experience retaliation are encouraged to report the retaliatory conduct as soon as possible.

Additionally, all parties and witnesses are expected to provide true and accurate information throughout this process. Should a party or witness willfully provide false information, they may be subject to further disciplinary action.

Please note that the option for an informal resolution is available at any point prior to a determination of responsibility, provided that each party gives their written, voluntary consent for such a resolution. If you are interested in exploring options for informal resolution, you are welcome to let me know in writing via email mkanger@butler.edu at any point in the Administrative Investigation and Adjudication Process prior to a determination of responsibility.

If you have any questions, please let me know.

Thank you,

Maria Kanger
Title IX Coordinator

Attachments:
The Butler University Sexual Misconduct Policy